

REMARKS

The Applicant thanks the Examiner for the thorough consideration given to the present invention. Paragraphs [0021] and [0025] - [0032] have been amended. Claims 1-18 are now pending in the application. Claims 1, 4-10, 12, and 14-18 have been amended. The basis for the amended claims may be found throughout the specification, drawings, and claims of the original application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

35 U.S.C. § 103 Rejections

Claims 1-5 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US2003/0069048) in view of Yuen et al. (US 5991645). The rejection is respectfully traversed at least for the reasons provided below.

Regarding claim 1, the Examiner states that Liu teaches a mobile device (1) with a selective connecting function. The mobile device includes a processor including an auto-connecting function module for executing an auto-connecting function and a manual-connecting module for executing a manual-connecting function. Yuen teaches that an earphone (146) including a detective device (115) for providing a status signal of a using status of the earphone and a determining module, responsive to the status signal, for controlling the mobile device to selectively control one or more operating parameters. Therefore, according to the Examiner, it would have been obvious to one ordinary skill in the art to modify Liu including the detecting device for providing a status signal of a using status of the earphone and the determining module for controlling the mobile device to selectively execute the auto-connecting function and the manual-connecting function responsive to the status signal.

The Applicant respectfully submits that claim 1 as presently amended is not obvious over Liu in view of Yuen. Claim 1 has now been amended to make it clear that an earphone includes a detecting device for providing a status signal based on whether a user puts on the earphone. In other words, a determining module of the amended claim 1 controls the mobile device to selectively execute the auto-connecting function and the manual-connecting function so as to automatically or manually answer an incoming call according to whether the user puts on the earphone. The Applicant submits that these features are not taught by Liu in view of Yuen. Instead, Liu shows a mobile phone receiver/transmitter 1 connected to a mobile phone 3 and a radio earphone receiver/transmitter 2 including an earphone 21. The radio earphone receiver/transmitter 2 can be set at a manual in-line mode or an automatic in-line mode. When set at a manual mode, the user decides whether to establish the connection between the mobile phone receiver/transmitter 1 and the earphone receiver/transmitter 2 or not. If the user hears the rings of an incoming call, he has to press the control switch of the earphone receiver/transmitter 2 for generating a signal so as to communicate with the mobile phone receiver/transmitter 1 for transmitting and receiving signals. Meanwhile, the spread spectrum function module of the mobile phone receiver/transmitter 1 requests the main controller 17 to control the off-hook/on-hook circuit 18 for generating an on-hook signal to the mobile phone. When set at the automatic mode, establishing the connection between the mobile phone receiver/transmitter 1 and the radio earphone receiver/transmitter 2 is determined by the radio frequency circuit 27 of the radio earphone receiver/transmitter 2. The radio frequency circuit 27 is switched to an energy-saving mode if no incoming call, activated periodically for detecting if there is an incoming call or not, and back to the energy-saving mode after detecting no incoming signal. If an incoming call is detected, the radio frequency circuit 27 is activated by the spread spectrum function module 26 for communicating with its counterpart, the radio frequency

circuit 15 of the mobile phone receiver/transmitter 1 (paragraph 29).

Liu discloses that the connection between the radio earphone receiver/transmitter 2 and the mobile phone receiver/transmitter 1 is selectively established in the manual mode or the automatic mode. When set at the manual mode, the connection between the earphone receiver/transmitter 2 and the mobile phone receiver/transmitter 1 is established manually by pressing the switch button on the earphone. When set at the automatic mode, the connection between the earphone receiver/transmitter 2 and the mobile phone receiver/transmitter 1 is established by automatically periodically detecting if there is an incoming call. In other words, Liu did not teach an earphone including a detecting device for providing a status signal based on whether a user puts on the earphone and further failed to teach that a determining module, responsive to the status signal, for controlling the mobile device to selectively execute the auto-connecting function and the manual-connecting function so as to automatically or manually answer an incoming call.

Yuen discloses a telephone headset 146 wirelessly communicating with an amplifier 100 and connecting to a telephone system 116. Yuen teaches that the amplifier 100 includes a detector 110 and an activator 115. The detector 110 monitors the wireless communication link 151 to determine whether or not the workstation at which the amplifier 100 is located is occupied. The detector output 120 is connected to the control input 119 of the activator 115. The detector output 120 preferably provides a signal having one state when the headset 146 and the amplifier 100 are communicating, and a second state when the headset 146 and the amplifier 100 are not communicating. The activator 115 activates the existing automatic log on/log off system in the telephone system 116 in response to the detector output 120. Depending on the state of the output 120 of the detector 110, the activator 115 makes it appear to the automatic log on/log off system in the telephone system 116 as if the amplifier 100 is connected to or disconnected from the telephone system 116. The activator 115 includes a control switch 195, which

switches the parameter that the sensor in the automatic log on/log off system in the telephone system 116 monitors to determine whether or not the amplifier 100 is connected to the telephone system 116. Yuen utilizes the detector 110 of the amplifier 100 to detect whether the headset 146 and the amplifier 100 are communicating so as to provide a status signal based on the detection. In other words, the detector 110 of Yuen is in the amplifier 110, instead of being in the headset 146. Moreover, the headset 146 does not provide a status signal based on whether the user puts on the headset 146. Furthermore, the status signal of Yuen is provided based on whether the headset 146 communicates the amplifier 100, not based on whether the user puts on the earphone. Therefore, the Applicant respectfully submits that both Liu and Yuen fail to teach an earphone including a detecting device for providing a status signal based on whether a user puts on the earphone and further fail to teach that a determining module, responsive to the status signal, for controlling the mobile device to selectively execute the auto-connecting function and the manual-connecting function so as to automatically or manually answer an incoming call. Accordingly, the Applicant submits that amended claim 1 is non-obvious over the combination of Liu and Yuen and should be allowable. In addition, claims 2-11, which directly or indirectly depend on a patentable claim 1 and further limit the scope, are believed also to be patentable.

Regarding claim 12, the Examiner states that Liu teaches a mobile device (1) with a selective connecting function. The mobile device includes a processor including an auto-connecting function module for executing an auto-connecting function and a manual-connecting module for executing a manual-connecting function. Yuen teaches that an earphone (146) including a detective device (115) for providing a status signal of a using status of the earphone and a determining module, responsive to the status signal, for controlling the mobile device to selectively controll one or more operating parameters. Therefore, it would have been obvious to one ordinary skill in the art to modify Liu

including the detecting device for providing a status signal of a using status of the earphone and the determining module for controlling the mobile device to selectively execute the auto-connecting function and the manual-connecting function responsive to the status signal.

The Applicant respectfully submits that claim 12 as presently amended is not obvious over Liu in view of Yuen. Claim 12 has now been amended to make it clear that an earphone includes a detecting device for providing a status signal based on whether a user puts on the earphone. In other words, a determining module of the amended claim 12 controls the mobile device to selectively execute the auto-connecting function and the manual-connecting function so as to automatically or manually answer an incoming call according to whether the user puts on the earphone. The Applicant submits that these features are not taught by Liu in view of Yuen. As stated above, both Liu and Yuen fail to teach an earphone including a detecting device for providing a status signal based on whether a user puts on the earphone and further fail to teach that a determining module, responsive to the status signal, for controlling the mobile device to selectively execute the auto-connecting function and the manual-connecting function so as to automatically or manually answer an incoming call. Accordingly, the Applicant submits that amended claim 12 is non-obvious over the combination of Liu and Yuen and should be allowable. In addition, claims 13-18, which directly or indirectly depend on a patentable claim 12 and further limit the scope, are believed also to be patentable.

Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US2003/0069048) in view of Yuen et al. (US 5991645) and further in view of Lewis (US 20040033820). The rejection is respectfully traversed at least for the reasons provided below.

The Examiner cites the Lewis reference to show that the earphone further includes a hook and a pad rotatably connecting with the hook. The Applicant submits that Lewis

4API/0238US
39524.9100

15

U.S. Appl. No. 10/732,945

lacks the teaching of the control unit turning on the switch so that the incoming call is answered automatically when the hook clips the user's ear. Accordingly, the Applicant submits that claims 6 and 16 are non-obvious over this combination of references as well.

Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US2003/0069048) in view of Yuen et al. (US 5991645) and further in view of Yamato (US 20040204161). The rejection is respectfully traversed at least for the reasons provided below.

The Examiner cites the Yamato reference to show that the earphone further includes a pressure sensor. The Applicant submits that Yamato lacks the teaching of the control unit turning on the switch so that the incoming call is answered automatically when the user puts on the earphone pressing the sensor. Accordingly, the Applicant submits that claims 7 and 17 are non-obvious over this combination of references as well.

Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US2003/0069048) in view of Yuen et al. (US 5991645) and further in view of Lester (US 6002763). The rejection is respectfully traversed at least for the reasons provided below.

The Examiner cites the Lester reference to show that the earphone further includes a temperature sensor. The Applicant submits that Lester lacks the teaching of the control unit turning on the switch so that the incoming call is answered automatically when the first temperature measured by the first temperature sensor is higher than the second temperature measured by the second temperature sensor. Accordingly, the Applicant submits that claims 8 and 18 are non-obvious over this combination of references as well.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US2003/0069048) in view of Yuen et al. (US 5991645) and further in view of Mooney (US 20020098878). The rejection is respectfully traversed at least for the reasons provided below.

4API/0238US
39524.9100

16

U.S. Appl. No. 10/732,945

The Examiner cites the Mooney reference to show that the earphone further includes an ultrasonic transmitting device. The Applicant submits that Mooney lacks the teaching of the control unit turning on the switch so that the incoming call is answered automatically when the ultrasonic receiving device receives an ultrasonic signal. Accordingly, the Applicant submits that claim 9 is non-obvious over this combination of references as well.

Conclusion

In light of the above remarks, the Applicants respectfully submit that pending claims 1-18 are in condition for allowance, and respectfully request the withdrawal of the rejections. Accordingly, a Notice of Allowance is respectfully requested.

Respectfully submitted,

DATE: January 27, 2006

By: 

Cynthia L. Pillote
Reg. No. 42,999

SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202
TEL (602) 382-6296
FAX (602) 382-6070